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### NOTES OF CASES.

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**Carrier's Right to Limit Liability for Loss of Baggage.**—Plaintiff, an interstate passenger of the defendant railroad, claimed damages in excess of \$2,000 for loss of her baggage through defendant's negligence. Defendant alleged that its liability was limited to \$100; that it complied with all the provisions of the interstate commerce act, and filed and published schedules of rates, fares, and charges, a part of the schedules relating to the transportation of baggage and liability therefor. Plaintiff did not know of this regulation nor of any rule limiting the value of baggage to be carried without extra charge. The Supreme Judicial Court of Massachusetts in *Hooker v. Boston & Maine Railroad*, 95 *Northeastern Reporter*, 945, holds that, as there is no provision in the interstate commerce law as to passenger's baggage, the filing and posting by a carrier of a limitation of its liability for loss of baggage not exceeding a certain value unless a greater value is declared and excess charges paid thereon at the time of checking, does not make such limitation an essential part of the rate of transportation of passengers, so as to be binding on a passenger having no knowledge thereof.

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**Retired Officer Compelled to Refund.**—A retired officer is still in the service of the United States since by statute he is declared to be a part of the army, may wear its uniform, his name is borne upon its register, he may be assigned by his superior officers to specified duties by detail as other officers are, he is subject to the rules and articles of war, and may be tried, not by a jury, as other citizens are, but by a military court-martial, for any breach of those rules, and may finally be dismissed on such trial from the service in disgrace. The United States Circuit Court in *United States v. Gilmore*, 189 *Federal Reporter*, 761, holds that the two acts of Congress providing that officers mustered out of the service shall be entitled to three months' pay and travel, apply to officers mustered out of the volunteer service, and not to a retired army officer who resumes his two-thirds pay from the date of his discharge, and, such officer having received such travel pay and allowances, the United States is entitled to recover the same. Judge Hand says: "A great deal has been said of the hardship of such a construction, and indeed the hardship is great in compelling a man to refund money which he has long since and in good faith spent and forgotten. As Justice Clifford says in *United States v. Merrill*, 76 U. S. 614, these allowances are not gratuities, but are intended to tide the period after discharge when a civilian has presumably no means of support. Such is not the case with a retired army officer, who resumes his two-thirds pay from the day of his discharge. There is no period when he is